

OFFICE OF THE FEDERAL PUBLIC DEFENDER

DISTRICT OF MARYLAND

NORTHERN DIVISION  
TOWER II, SUITE 1100  
100 SOUTH CHARLES STREET  
BALTIMORE, MARYLAND 21201-2705  
TEL: (410) 962-3962  
FAX: (410) 962-0872

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U.S. DISTRICT COURT  
DISTRICT OF MARYLAND

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JAMES WYDA  
FEDERAL PUBLIC DEFENDER

DENISE C. BARRETT  
ASSISTANT FEDERAL PUBLIC DEFENDER

CLERK'S OFFICE  
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Via Hand-delivery

June 2, 2008

**Crack Reduction      Status Report**  
**Supplemental Memorandum in Support of Motion to Reduce Sentence**  
**Motion for Appointment of Counsel**

The Honorable William D. Quarles, Jr.  
United States District Judge  
United States Courthouse  
101 W. Lombard Street  
Chambers 3A  
Baltimore, Maryland 21201

Re:    *United States v. Troy Kevin Turnage*  
      No. S-02-143

Dear Judge Quarles:

Please accept and docket this letter as a status report, supplemental memorandum in support of Mr. Turnage's motion for a reduction of sentence under 18 U.S.C. § 3582, and motion for appointment of counsel.

U.S. Probation has submitted a report indicating that Mr. Turnage is eligible to seek a reduction in sentence under the recently amended crack guidelines. Judge Smalkin originally sentenced Mr. Turnage to 135 months imprisonment. This represented the bottom of a two level "safety-valve" departure from the range of 168 to 210 months. Under the new crack guidelines, Mr. Turnage's new range with the same two level departure would be 108 to 135 months. Mr. Turnage requests that the Court reduce his sentence from 135 months to 108 months. Mr. Turnage's current estimated release date is January 2013. A 27 month reduction would move his release date up about 24 months to January 2011.

The materials submitted by Mr. Turnage with his *pro se* motion show that he is a worthy candidate for a reduction in sentence. He is currently housed at the Federal Prison Camp in Loretto. The progress report and other documents attached to his *pro se* motion for reduction of sentence show that he has made good institutional adjustments. In addition, his supervisor, Ms. Custer, at the

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UNICOR factory at Loretto recently took the time to write a reference letter for him. His performance ratings are consistently "above average," he "displays a positive attitude," and he is "very conscientious." Exhibit A.

Mr. Turnage also enjoys the support of family. His girlfriend, Tisha Butler, has been a firm advocate for him and has maintained a steady relationship with him during his incarceration. The couple share one child together - a son. Mr. Turnage looks forward to when he can support his son and play a more significant role as a parent. Mr. Turnage's aunt and uncle also have taken the time to write to show their support for Mr. Turnage. Exhibit B.

It also is worth noting that Mr. Turnage will soon turn 39 years old - an age where recidivism declines. The instant offense was his first and only conviction or arrest for a drug trafficking offense. Indeed, his presentence report reveals only one prior conviction or arrest - for reckless driving. Under these circumstances, a 108 month sentence is more than sufficient to serve the purposes of sentencing set forth in 18 U.S.C. § 3553(a).

My Office did not previously represent Mr. Turnage. Enclosed is an order appointing my Office and requiring that the government respond to his motion for reduction of sentence. Should the government have no objection to a reduction in sentence, the case will be ripe for disposition.

Thank you for your attention to this matter.

Very truly yours



Denise C. Barrett  
Assistant Federal Public Defender

Enclosures

DCB/kdw

cc: Barbara Sale, AUSA  
Estelle Santana, USPO  
Troy Turnage  
Court file